

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JACQUELINE BRENNER, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

WILLIAMS-SONOMA, INC.

Defendant.

CIVIL ACTION No. 1:13-cv-10931-MLW

(Oral Argument Requested)

DEFENDANT WILLIAMS-SONOMA, INC.'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Defendant Williams-Sonoma, Inc. (“Williams-Sonoma”) hereby respectfully moves this Court for summary judgment in its favor on the class action complaint filed by Plaintiff Jacqueline Brenner (“Plaintiff”), on behalf of herself and all others similarly situated, on April 15, 2013 (“Complaint”).

As set forth in detail in the accompanying Memorandum of Law and Local Rule 56.1 Separate Statement of Undisputed Material Facts, Williams-Sonoma is entitled to summary judgment on Plaintiff’s first cause of action for violation of the Massachusetts Unfair Trade Practices Act, Mass. Gen. Laws Ch. 93A because the undisputed materials facts show that Plaintiff cannot establish the essential elements of injury and causation to support her Chapter 93A claim. Plaintiff’s Ch. 93A claim also fails because Williams-Sonoma is entitled to summary judgment on the sixth affirmative defense for Estoppel in its Answer. Finally, Williams-Sonoma is entitled to summary judgment on Plaintiff’s second cause of action for unjust enrichment because Plaintiff has an adequate remedy at law, and has not pled – and cannot establish – a reasonable expectation for compensation for the disclosure of her ZIP code.

For all of the reasons set forth in Williams-Sonoma’s Memorandum of Law and Local Rule 56.1 Separate Statement of Undisputed Material Facts, Williams-Sonoma respectfully

requests that the Court grant summary judgment in its favor on the two causes of action asserted in Plaintiff's Complaint and on its sixth affirmative defense for Estoppel.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(e), Defendant Williams-Sonoma, Inc. respectfully requests that this Court schedule a hearing on this Motion, as oral argument is likely to assist the Court in its resolution of the matters raised herein.

Dated: August 20, 2013

Respectfully submitted,

WILLIAMS-SONOMA, INC.,

By its attorneys,

/s/ Creighton K. Page

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I, P. Craig Cardon, hereby certify that counsel for Defendant Williams-Sonoma, Inc. conferred with opposing counsel in an effort to resolve or narrow the issues presented in this motion prior to filing, and have been unable to resolve or narrow the issues in dispute.

/s/ P. Craig Cardon

P. Craig Cardon

CERTIFICATE OF SERVICE

I, Creighton K. Page, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on August 20, 2013.

/s/ Creighton K. Page

Creighton K. Page